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MARK	Application Number	10/813,412
TRANSMITTAL	Filing Date	30 March 2004
FORM	First Named Inventor	Po-Ying CHAN-HUI
(to be used for all correspondence after initial filing)	Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
otal Number of Pages in This Submission	Attorney Docket Number	131.04US

		ENCLOSURES (check all that apply)		
Fee Transmittal F	form	Drawing(s)	After Allowance Communication to Technology Center (TC)	
Fee Attached		Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences	
Amendment / Rep	oly	Petition	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)	
After Final		Petition to Convert to a Provisional Application	Proprietary Information	
Affidavits/dec	laration(s)	Power of Attorney, Revocation Change of Correspondence Address	Status Letter	
Extension of Time Request		Terminal Disclaimer	Other Enclosure(s) (please identify below):	
Express Abandonment Request		Request for Refund  CD, Number of CD(s)	Copies of cited references.     Return Receipt Postcard	
Information Disclo	sure Statement			
Certified Copy of Document(s)	Priority	Remarks		
Response to Miss Incomplete Applic	•			
Response to Parts under 3 1.52 or 1.53				
	SIGNA	TURE OF APPLICANT, ATTORNEY, O	R AGENT	
Firm or Individual name	Stephen C. Macevicz			
Signature	Mith			
Date	11 dune 2004			

## **CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Virginia Griffith 11 June 2004 Signature Date

This collection of information is required by 3 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Date: 11 June 2004

Signature:

Case No. 131.04US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Po-Ying CHAN-HUI.

Serial No: 10/813,412

Filed: 30 March 2004

For: ErbB HETERODIMERS AS

**BIOMARKERS** 

Customer No. 33,603

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

# INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The references cited on the accompanying PTO-1449 form(s) may be material to the examination of the above-identified application and are, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR 1.56 and 1.97. The Examiner is requested to make these citations of official record in this application. Copies of the cited references are enclosed or have been previously submitted in prior application(s) to the above application.

This Information Disclosure Statement under 37 CFR 1.56 and 1.97 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these citations constitutes prior art.

#### SUBMISSION INFORMATION

This Information Disclosure Statement is being submitted within three (3) months of filing or before mailing of a first Office Action, whichever occurs last. (37 CFR 1.97(b))

## **PAYMENT OF FEES (IF ANY DUE)**

FEE AUTHORIZATION. The Commissioner is hereby authorized to withdraw from Deposit Account

50-2266

any submission fees or petition fees required for this Information Disclosure Statement.

Respectfully submitted,

Stephen C. Macevicz

Registration No. 30,285 (650) 210-1223 Direct Telephone \*650) 210-5959 Facsimile

Enclosures:

PTO Form 1449 w/copies of cited references

OIPE		
Form PTO-1449 (adapted)	Docket No. 131.04US	Serial No. 10/813,412
REFERENCES CITED BY APPLICANT	First Named Inventor Po-Ying CHAN-HUI	Customer No. 33603
HADEMARK	Filing Date 30 March 2004	Group Not Yet Assigned

## **U.S. PATENT DOCUMENTS**

Examiner's Initial		Document Number	Inventor(s)	Issue Date (publication date) (mm dd yyyy)	Class/Subclass	Filing Date (mm dd yyyy)
	P1	2002/0037542	ALLBRITTON	(03/28/2002)	435/7.23	05/17/2001
	P2	4,331,590	BOCUSLASKI	05/25/1982	260/112 B	05/06/1980
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	P5	4,780,421	KAMEDA	10/25/1988	436/518	04/03/1986
<del></del>	P6	5,057,412	RABIN	10/15/1991	435/6	03/15/1988
	P7	5,340,716	ULLMAN	08/23/1994	435/6	06/20/1991
	P8	5,360,819	GIESE	11/01/1994	514/538	03/11/1985
	P9	5,470,705	GROSSMAN	11/28/1995	435/6	04/07/1992
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	P15	5,565,324	STILL	10/15/1996	435/6	04/13/1994
	P16	5,578,498	SINGH	11/26/1996	436/518	11/22/1993
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	P18	5,602,273	GIESE	02/11/1997	560/60	02/08/1996
	P19	5,604,104	GIESE	02/18/1997	435/7.1	02/08/1996
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation in conformance with MPEP 609; Draw line through citation if not in conformance and/or not considered. Include copy of this form with next communication to applicant.

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REFERENCES CITED BY APPLICANT	First Named Inventor Po-Ying CHAN-HUI	Customer No. 33603
	Filing Date 30 March 2004	Group Not Yet Assigned

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REFERENCES CITED BY APPLICANT	First Named Inventor Po-Ying CHAN-HUI	Customer No. 33603
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 P54	6,365,362	TERSTAPPEN	04/04/04	435/7.23	02/12/99

## ADDITIONAL U.S. PATENT DOCUMENTS

Examiner's Initial		Document Number	Inventor(s)	Class /Subclass	Title	Issue Date or Publ. Date (dd.mm.yy)
	PP1	2004/0018528	Morimoto	435/006	Novel biomarkers of tyrosine kinase inhibitor exposure and activity in mammals	29 Jan 04
	PP2	2003/0170734	Williams	435/7.1	Multiplexed assays using electrophoretically separated molecular tags	01 Apr 03
	PP3	2003/0207403	Paszty	435/69.1	Beta-like glycoprotein hormone polypeptide and heterodimer	06 Nov 03

EXAMINER Date considered

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REFERENCES CITED BY APPLICANT	First Named Inventor Po-Ying CHAN-HUI	Customer No. 33603
	Filing Date 30 March 2004	Group Not Yet Assigned

PP4	2003/0190689	Crosby	435/7.23	Molecular profiling of disease and therapeutic response using phosphospecific antibodies	09 Oct 03
PP5	2002/0172984	Holland	435/7.21	Oligomerized receptors which affect pathways regulated by transmembrane ligands for Elk-related receptor tyrosine kinases	21 Nov 02
PP6	2004/0033542	Frackelton	435/7.23	She protein-related methods and compositions for the prognosis of breast, prostate and ovarian cancer	19 Feb 04
PP7	2004/0023288	Ridder	435/6	Method for solution based diagnosis	05 Feb 04
PP8	2004/0029194	Parish	435/7.23	Method of identifying cancer markers and uses therefor in the diagnosis of cancer	12 Feb 04
PP9	2004/0018562	Rouhani	435/7.1	Receptor detection	29 Jan 04
PP10	Re. 35,491	Cline	435/6	Methods and compositions for detecting human tumors	08 Apr 97
PP11	5,968,511	Akita	424/141.1	ERBB3 Anithodies	19 Oct 99
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PP13	5,874,542	Rockwell	530/387.3	Single Chain Antibodies Specific to VEGF Receptors	23 Feb 99
PP14	6,383,740	Collins	435/5	Methods for Simultaneously Detecting Both Members of a Binding Pair	07 May 02
PP15	6,358,682	Jaffee	435/6	Method and Kit for the Prognostication of Breast Cancer	19 Mar 02
PP16	5,192,660	Reed- Gitomer	435/7.21	Elisa Methods for the Determination of Human Platelet Derived Growth Factor (PDGF) Dimer Forms Present in Human Tissues and Fluids	09 May 93
PP17	6,388,063	Plowman .	536/23.5	Diagnosis and Treatment of SAD Related Disorders	14 May 02
PP18	4,968,603	Slamon	435/6	Determination of Status in Neoplastic Disease	06 Nov 90
PP19	4,772,550	Greenquist	435/7	Heterogeneous Specific Binding Assay Employing an Aggregatable Binding Reagent	20 Sep 88
PP20	4,891,324	Pease	436/519	Particle with luminescer for assays	02 Jan 90

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	Filing Date 30 March 2004	Group Not Yet Assigned

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PP23	5,436,128	Harpold	435/6	Assay Methods and Compositions for Detecting and Evaluating the Intracellular Transduction of an Extracellular Signal	25 Jul 95
PP24	5,800,999	Bronstein	435/6	Dioxetane-precursor-labeled probes and detection assays employing the same	01 Sep 98
PP25	5,886,238	Schaap	568/650	Alkene precursors for preparing chemiluminescent dialkyl-substituted 1,2-dioxetane compounds	23 Mar 99
PP26	6,001,573	Roelant	435/6	Use of phorphyrins as a universal label	14 Dec 99
PP27	6,727,072	Spaulding	435/7.21	EGF-R Detection Kit	27 Apr 04
 PP28	6,489,116	Wagner	435/6	Sensitive, Multiplexed Diagnositc Assays for Protein Analysis	03 Dec 02
PP29	6,248,546	Khosravi	435/7.94	Assay of IGFBP Complex	19 Jun 01
PP30	6,627,400	Singh	435/6	Multiplexed Measurement of Membrane Protein Populations	30 Sep 03
PP31	6,417,168	Greene	514/44	Compositions and Methods of Treating Tumors	09 Jul 02
PP32	6,573,043	Cohen	435/6	Tissue Analysis and Kits therefor	03 Jun 03
PP33	6,627,196	Baughman	424/138.1	Dosages for Treatment with Anti- ErbB2 Antibodies	30 Sep 03

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	F1*	EP	0 484 027	IMPERIAL CHEMICAL INDUSTRIES PLC	05/06/1992
	F2*	WO	93/06121	AFFYMAX TECHNOLOGIES N.V.	04/01/1993
	F3*	WO	96/24061	ONTOGEN CORPORATION	08/08/1996

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F4*	wo	97/27325	DARWIN MOLECULAR CORPORATION	07/31/1997
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F6*	wo	97/28275	IGEN INTERNATIONAL INC.	08/07/1997
F7*	WO	98/01533	BURSTEIN LABORATORIES, INC.	01/15/1998
F8*	WO	98/15830	WALLAC OY	04/16/1998
F9*	WO	99/05319	RAPIGENE, INC.	02/04/1999
F10*	WO	99/42838	DADE BEHRING INC.	08/26/1999
F11*	WO	99/64519	AMERSHAM PHARMACIA BIOTECH UK LIMITED	12/16/1999
F12*	WO	00/56925	ACLARA BIOSCIENCES, INC.	09/28/2000
F13*	WO	00/66607	ACLARA BIOSCIENCES, INC.	11/09/2000

#### ADDITIONAL FOREIGN PATENT DOCUMENTS

Examiner's Initial		Country and Document Number	Inventor	Title	Publication Date (dd-nm-yy)
	FF1	WO 2004/008099	Koll	Methods for Identifying Tumors that are Responsive to Treatment with Anti-ErbB2 Antibodies	22 Jan 04
	FF2	WO 2004/000102	Bacus	Method for Predicting Response to Epidermal Growth Factor Receptor-Directed Therapy	31 Dec 03
	FF3	WO 01/57530	Liotta	Method and Apparatus for Signal Transduction Pathway Profiling	09 Aug 01
	FF4	WO 93/06121	Dower	Method of Synthesizing Diverse Collections of Oligomers	01 Apr 93
	FF5	WO 97/00446	Landegren	Immunoassay and Kit with Two Reagents That Are Cross-Linked If They Adhere To an Analyte	03 Jan 97
	FF6	WO 98/42736	Hochstrasser	Diagnosis of Colorectal Cancer and Proteins and Antibodies for Use therein	01 Oct 98

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	Filing Date 30 March 2004	Group Not Yet Assigned

FF7	WO 99/42838	Singh	Chemiluminescent Compositions for Use in Detection of Multiple Analytes	26 Aug 99
FF8	WO 03/045990	LeGrain	Protein-Protein Interactions Involving Transforming Growth Factor β Signaling or Involving Transduction Signals of Transforming Factor β Family Members	05 Jun 03
FF9	WO 2004/009798	Rich	Protein Interaction Difference Mapping	29 Jan 04

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	D6	Alimandi, et al., "Cooperative signaling of ErbB3 and ErbB2 in neoplastic transformation and human mammary carcinomas", Oncogene, 1995, 10:1813-1821.
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D25	Brandt, et al., "c-erB-2/EGFR as dominant heterodimerization partners determine a motogenic phenotype in human breast cancer cells", The FASEB Journal, 1999, 13:1939-1949.
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	D33	Fredriksson, et al., "Protein detection using proximity-dependent DNA ligation assays", Nature Biotechnology, 2002, 20:473-477.
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